

IBM believes a number of guiding principles can be used to advance solutions put forth in the matter of Digital Broadcast Copy Protection, MB-Docket No. 02-230. We appreciate the opportunity to provide the following comments.

Copyrighted content should not be redistributed without proper authorization:

IBM believes that copyrighted material, be it audio/visual entertainment content, books in any media format (electronic or print), and computer software, should not be redistributed without proper authorization from the copyright holder.

Copy protection solutions should be market-driven:

Technical approaches and their implementations have historically been market driven for issues such as the protection of flagged broadcast content. There are numerous examples of success of this method in the audio/visual content industry. The 4C encryption technology for protection of recordable media and DVD-Audio, which IBM helped develop, currently has over 100 voluntary licensees. While IBM is not a member of the 5C DTLA group, IBM believes that group is having similar success. This market driven approach is not limited to content protection. It has been used in many other areas such as the development of MPEG compression technology.

Qualifying specific technologies helps accelerate adoption:

IBM believes the Content Protection Technical Working Group's Broadcast Flag initiative and all issues associated with it, including the "List of Qualified Technologies" (referred to as Table A), can and should be resolved through the process of industry dialogue. IBM believes the notion of agreeing to specific qualified technologies (like the ones specified in table A) is constructive. However, because technological change is occurring rapidly in the field of content protection, we believe the menu of Qualified Technologies should be dynamic.

The role of legislation:

IBM believes effective copy protection technologies and standards are created by the work of inter-industry groups, and it is preferred that adopter obligations be enforced by license agreement wherever possible. However, it is appropriate to consider the option of legislation as a method to insure adopter obligations where the underlying technical basis for a license structure is not practical.

Secure Home Networks are technically feasible and should be flexible:

IBM believes the notion of establishing a logical Home Network is technically feasible. IBM specifically has been working on technologies that enable authorized domains. In particular, IBM has submitted a new encryption technology (xCP) to the Digital Video Broadcast (DVB) standards body - the European body currently developing standards for Home Networking. This technology is consistent and compatible with the approach used in the 4C solution, and provides consumers with the capacity to take their home network licensed content away from home on portable media. IBM believes this technology can be made to work in concert with other technologies to create an environment where authorized content can move in a flexible use model, and enable new business models for content companies, consumer device producers and service providers.

